



Is the Healthcare Act Constitutional?

Constitutional Principles: Limited Government, Federalism, Checks and Balances

Constitutional Questions: Does the Commerce Clause empower Congress to require all Americans to purchase health insurance? Should suits brought by states challenging the constitutionality of the Affordable Health Care Act be allowed to proceed?

Constitution Resources:

The [Commerce Clause](#)
[Interposition](#)

News Resources:

- [Michigan judge rejects challenge to health care law mandate](#)
- [Federal judge lets 20 states' health-care lawsuit move forward](#)
- [Post-Gaming the Florida Health Care Ruling](#)

Questions to consider:

1. How did a U.S. District Court recently rule on a constitutional challenge to the Affordable Health Care Act brought by four Michigan residents?
2. How could the Commerce Clause be interpreted to permit Congress to require everyone to buy insurance? How could it be interpreted to deny Congress this power? Which interpretation do you find more persuasive?
3. How did a U.S. District Court recently rule on the federal government's motion to dismiss a lawsuit challenging the constitutionality of the health care reform law?
4. In response to the Florida ruling, the White House stated in part: *"Having failed in the legislative arena, opponents of reform are now turning to the courts in an attempt to overturn the work of the democratically elected branches of government."* The opponents the White House refers to include the governors of twenty U.S. states. Is it significant that two-fifths of the states argue that Congress had exceeded its power? Why or why not?



What do YOU think?

The Commerce Clause DOES empower Congress to require all Americans to purchase health insurance.	The Commerce Clause DOES NOT empower Congress to require all Americans to purchase health insurance.
Suits brought by states challenging the constitutionality of the Affordable Health Care Act SHOULD be allowed to proceed.	Suits brought by states challenging the constitutionality of the Affordable Health Care Act SHOULD NOT be allowed to proceed.

Extensions:

A. The Florida Court ruling will also allow the states to challenge the Affordable Health Care Act's requirement that states extend Medicaid to cover not just the very poor but also low-income individuals. Medicaid is a federal/state partnership and states can opt in or out. If states do not agree to extend coverage to more people, however, they will then lose out on the federal contributions to Medicare. Does this requirement, as the states claim, infringe on state sovereignty?

B. A federal judge in Virginia [heard arguments](#) on October 18 on the constitutionality of the Affordable Health Care Act. What were the arguments on each side? How do these arguments compare to those made in Michigan? Which were more persuasive?